

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CHARLES HENRY IRELAND FOLTZ,

Plaintiff,

V.

ROBERT A. WELSH, III,
CHRISTOPHER WELCH, and
MICHAEL O'KEEFE,

Defendants.

Case No.
21-CV-11915-AK

ORDER

A. KELLEY, D.J.

Charles Henry Ireland Foltz (“Foltz”) initiated this action while confined to the Barnstable County Correctional Facility (“BCCF”). [Dkt. 1]. By Memorandum and Order dated May 12, 2022, the Court advised Foltz that his complaint was subject to dismissal and that if he wished to proceed in the matter, he must file an application to proceed in district court without prepaying fees or costs and must also submit a filing to show cause why this action should not be dismissed, or, in the alternative, file an amended complaint. [Dkt. 4]. The Memorandum and Order warned Foltz that if he failed to do so within 21 days, the Court would dismiss this action. [Id.]. Copies of the Memorandum and Order were mailed by the Clerk to Foltz at BCCF and to a post office box in Truro because Foltz’s complaint also listed such as his “regular address.” [Dkt. 1-1].

Although the copy of the Memorandum and Order mailed to Foltz at BCCF was returned to the Court as undeliverable [Dkt. 5], the copy sent to the Truro address was not returned, and

thus the Court can presume it was delivered. Foltz has not responded to the Court's May 12, 2022 Memorandum and Order to date, and the time to do so expired on June 2, 2022.

Under a district court's inherent power to manage its own docket and prevent undue delay, the Court has discretion to dismiss a case for a party's failure to prosecute or to comply with court orders. Fed. R. Civ. P. 41(b); see Torres-Alamo v. Puerto Rico, 502 F.3d 20, 25 (1st Cir. 2007) (upholding dismissal when plaintiff failed to show cause for noncompliance, even after two extensions); Cintron-Lorenzo v. Departamento de Asuntos del Consumidor, 312 F.3d 522, 526 (1st Cir.2002) (upholding dismissal when court warned plaintiff and granted additional time).

For the reasons set forth above, it is hereby **ORDERED** that this action is dismissed. The Clerk shall enter a separate order of dismissal.

SO ORDERED.

August 30, 2022

/s/ Angel Kelley
ANGEL KELLEY
U.S. DISTRICT JUDGE